

**REMARKS**

Pursuant to a telephone conference with Examiner Group on or about October 29, 2004, Applicants are submitting herewith a Terminal Disclaimer to obviate the obviousness-type double patenting rejections set forth in paragraphs (16), (17) and (18) of the Office Action mailed March 29, 2004. It is Applicants' understanding that all pending claims are otherwise allowable except for non-elected claims 47, 48, 54, 55, 60-63, 68-70, 75-77, and 82-84. Examiner Group is authorized to cancel these non-elected claims without prejudice or disclaimer.

Applicants point out that the filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). The court indicated that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection."

If any issues remain, the Examiner is requested to telephone the undersigned at (703) 838-6683.

Respectfully submitted,

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